

**MINUTES FROM
A MEETING OF THE HINES COMMON COUNCIL
AND BUDGET COMMITTEE
August 10, 2021**

Present:

Mayor:

Nikki Morgan

Council:

Councilors Amity York, Marsallai Quick, Robert Beers and Gary Miller were present.

City Staff:

Kirby Letham City Administrator, Fire Chief Bob Spence, Chief Ryan DeLange and Public Works Superintendent Jerry Lewellen

Public Audience:

Dean Brizendine, Ralph Steelman Eldon Hart and Sally Hart

***Mayor Nikki Morgan called the meeting to order at 6:30 pm and led the flag salute.**

Approval of August 10, 2021 Agenda

Councilor Beers made a motion to approve the August 10, 2021, agenda as presented. Councilor York seconded the motion. All ayes, motion carried.

Approval of Minutes from July 27, 2021

Councilor Quick made a motion to approve the meeting minutes from July 27, 2021, as presented. Councilor Beers seconded the motion. All ayes, motion carried.

Accounts Payable for August 10, 2021

Councilor Beers made a motion to approve the Accounts Payable for August 10, 2021, in the amount of \$290,344.85. Councilor Quick seconded the motion. All ayes, motion carried.

Department Head Reports

Chief Spence – Four 911 calls. Assisted Burns with a motel fire, responded to a burn pile, a false call, pickup & horse trailer fire, truck & trailer destroyed, horses are fine. Guns & Hoses event with the police went very well.

Chief DeLange – Calls are down, 161 since last meeting. Drug use is getting worse. Domestic calls are down, theft calls are down, sexual abuse cases are down. Guns & Hoses went well although there was a lot of activities happening in the County. Amie did an

awesome job putting the event together. Thank you to the Harney County Farm Bureau, the Harney County Stock Growers, and Thriftway for donation of the meat, buns, and ice. A big shout out to them!!! The 2011 police car is starting to breakdown. The department is buying new pistols and tasers.

Public Works Superintendent Lewellen – Continuing to pump 1.5 million gallons/day of water. Pumping about 150K gallons at the lagoons. They're evaporating quickly. The new water tank is full. It is sanitized. Samples passed inspection and it's good to go. Same with well #2 up at the tower. Flushing the new tank. New tank should be online next week, and the tower will be taken offline. New sprinklers are finished at the Pavilion Park and the Fire Hall Park. The new sprinklers are programmable and are saving money.

City Administrator Letham Report –

- **Small City Allotment Grant** – This grant is from ODOT. We have received 3 of those in the past. We did not get one last year, however, he is submitting an application this year. He has put W. Pettibone as the street for repair, starting at the highway and going up the hill as far as possible. The current grant earmarked for N. Saginaw stipulates that the repair will be completed by January 2022. He is going to ask for an extension.
- **FEMA Project** – There has been a project in the works with FEMA for about 10 years. It is in the hope of recalibrating the floodplain area. It is going well and appears to be reaching completion. There will be public meetings to gather public feedback. Hopefully these meetings will occur within the next few months. Current plans are that representatives from FEMA will be onsite and tour the area with the City Council.
- **ARP Funds** – Councilor Miller asked about the \$314K of ARP funds the City is to receive. He asked if the funds would be used for road repairs. Administrator Letham advised that he has applied for the first installment of \$150K. The money has been budgeted to repair the lift station at the lagoon. If there are any funds remaining, he would like to do a facility master plan of the wastewater system.

Public Comment Non-Agenda Items (Speaking time limits may apply)

None

Old Business

Resolution 2310: Deer Population Ballot Measure Proposal

A resolution of the City of Hines, Oregon, approving a measure ballot title on the question of deer population control within the city limits to the residents of Hines. Councilor Beers asked for clarification about what information would be on the ballot. Administrator Letham explained it would be the full resolution and the ballot summary on the ballot measure. Administrator Letham then read Resolution 2310 in full. *Councilor Quick made a motion to adopt resolution 2310 as read with attached Form 802. Councilor Beers seconded the motion. All ayes, the motion carried.*

2nd Amendment Ordinance Discussion – Mayor Morgan addressed the Council. The Council has had a few weeks to think this over. Administrator Letham has had the opportunity to speak with legal counsel. There is an email from Councilor Shepherd with her opinion as she couldn't be present this evening. Administrator Letham read the email into the record. Councilor Shepherd believes the city should adopt a 2nd Amendment Sanctuary Ordinance. Councilor Beers expressed his support of the 2nd Amendment, however, is worried about the Police, and doesn't want to put them in a position to fight with the city. Chief DeLange addressed the Council and stated that either way the Council moves, it will put the police in a difficult position. Either they will be in trouble with the citizens by supporting such an Ordinance, or he risks getting fined if he enforces the State law. If he opposes the State law, he could possibly lose his certification with the State. He will support whatever the Council chooses to do. A problem could arise if someone moves into the area and the police aren't supposed to investigate because of 2nd Amendment ordinance. What if the person moving in is a felon? Councilor Beers asked if the ordinance could be worded to allow such investigation? Chief DeLange suggested working with the attorney on the language. He said eventually this will become a court case, and someone will be guinea pig. Councilors Quick & Beers both agreed that any ordinance must have language to protect the police officers. The Mayor and Administrator Letham each commented that the attorney needs to structure the language so that the police officers are protected. Councilor Beers would like the city to pass a 2nd Amendment ordinance, however, he would like language in there that would protect the police officers and let them do their jobs without fear of reprisals from the state. Councilor York spoke with Mr. Wiseman after last Council meeting. She believes that the State is overstepping its bounds and feels like the ordinance is too broad. She is not willing to vote for anything that will tie the hands of the police. The Mayor asked Chief DeLange about the city policy for guns. Chief DeLange responded that the police only confiscate guns under certain conditions: if a gun is used in the commission of a crime, or a felon in possession of a gun, or if they respond to a domestic violence situation. The police do not destroy guns unless ordered by the District Attorney. Such an order happens very rarely. Administrator Letham will work with the attorney to see what the attorney can come up with and will report back at the next Council meeting.

Dean Brizendine – he agrees with the Council's approach and would like to see what the attorney comes up with. He knows and trusts Chief DeLange. He is concerned with the portion of the House Bill that holds the gun owner responsible if a gun is stolen then used in the commission of a crime. Why should the owner be held responsible?

Street Sweeper Purchase – A third party has inspected the street sweeper and has given a good report on the condition of the machine. The cost is \$29,500 + cost of shipping. The Mayor will get contact info of a trucking company that comes through town every week to see if the city can work a deal on shipping. She questioned the cost of the brushes. Superintendent Lewellen responded \$300/set and it uses two brushes. Councilor Quick asked if a special certification was needed and was told no a standard, valid drivers license. *Councilor Beers made a motion to purchase the 2005 street sweeper in the amount of \$29,500.00 + shipping costs. Councilor Quick seconded the motion. All ayes, motion carried.*

New Business**Franchise Agreement: MiWave – Expanding Service Capabilities (First Reading)**

Grase Communications, LLC dba MiWave is requesting permission to use the city right-of-way to erect, construct, operate, repair and maintain certain fiber lines related to the operation of an aerial fiber network within the City of Hines.

Public Comment Period (Speaking time limits may apply):

None

Mayor and Council Comments

Councilor York – Thanks to the department heads

Councilor Miller – Glad that the Council agreed to have the decision of the deer opened to the residents. I back Chief DeLange 100% and believes in the 2nd Amendment. Would like to see Hines promote tourism in Hines. Tendered his formal resignation from the Council.

Councilor Quick – I back the 2nd Amendment and Chief DeLange. Thanks to Public Works and the Fire Department for all you do.

Councilor Beers – Thanked Councilor Miller for his time on the Council. Thanks to Public Works, good job. I back the 2nd Amendment, but also want to make sure Chief DeLange is taken care of. Would like to see the city adopt a panhandling ordinance. Multiple Councilors mentioned they thought there was an ordinance in place, and after research, realized that is not the case. Good job department heads.

Mayor Morgan – None

Next Council Meeting is scheduled for August 24, 2021, at 6:30pm.

Adjournment:

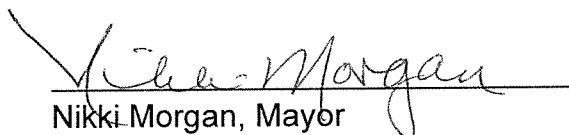
There being no further business, Councilor Beers made a motion to adjourn the meeting. Councilor York seconded the motion. All ayes, the motion carried. Meeting adjourned at 7:39pm.

Respectfully Submitted:

Kirby Letham

City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON August 10, 2021.



Nikki Morgan, Mayor